

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator, et al.,
Plaintiffs,

vs.

C.A. No.: 04-312L

JEFFREY DERDERIAN, et al.,
Defendants,

ESTATE OF JUDE B. HENAULT, et al.,
Plaintiffs,

vs.

C.A. No.: 03-483L

AMERICAN FOAM CORPORATION, et al.,
Defendants,

DEFENDANTS'¹ MOTION TO DISMISS MISCELLANEOUS PETITIONS

Defendants² hereby move for an Order of the Court dismissing miscellaneous petitions filed in the Providence County Superior Court as to all parties. Shortly after the tragic Station fire which occurred on February 20, 2003, three miscellaneous petitions were filed in the Providence County Superior Court solely for the purpose of seeking access to the fire scene and collecting and preserving evidence prior to lawsuits being filed³. These petitions were all removed to this Court as part of a Joint Notice of Removal filed on August 7, 2003. (O'Brien Doc. #1; Alves Doc. #1 and Unnamed Manufacturers Doc. #1)

A memorandum in support of this motion is filed herewith.

Respectfully,

¹ This motion is filed on behalf of Defendants, General Foam Corporation, GFC Foam, LLC, PMC, Inc., PMC Global, Inc., Foamex International, Inc., Foamex, LP and FMXI, Inc.

² See Footnote 1.

³ These miscellaneous petitions were filed with the caption IN RE: THE STATION FIRE IN WEST WARWICK, RHODE ISLAND ON FEBRUARY 20, 2003. Docket numbers M.P.No.: 03-1326, M.P.No.: 03-1346 and M.P.No.: 03-1431.

Defendants,
General Foam Corporation, GFC Foam, LLC,
PMC, Inc., PMC Global, Inc., Foamex
International, Inc., Foamex, LP and FMXI, Inc.,
By their Attorney,

/s/ James A. Ruggieri
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CERTIFICATION OF SERVICE

I hereby certify that I caused to be served a copy of the within document by electronic mail through the Electronic Case Filing system of the United States District Court on the 21 day of May, 2010 to the following counsel of record:

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/s/ James A. Ruggieri